



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

302813



JAN 20 2006

PROMPT REPLY NECESSARY
CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Louis D. Fletcher, Esq.
26 Newton Avenue
Woodbury, New Jersey 08096

Re: **Request for Information Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq., regarding the Matteo Iron and Metal Superfund Site, West Deptford, Gloucester County, New Jersey**

Dear Mr. Fletcher:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment, and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA" or "Superfund"). EPA has documented the release and threatened release of hazardous substances into the environment at the Matteo Iron and Metal Site, West Deptford Township, Gloucester County, New Jersey (the "Site").

REQUEST FOR INFORMATION

This letter seeks the cooperation of your client, Matteo Iron and Metal, Inc., in providing certain information and documents relating to its company and the Site. Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release of a hazardous substance or pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

Your client is hereby required pursuant to the authority of Section 104(e) of CERCLA to submit the information called for in the enclosed Request for Information. A complete and truthful

response to the enclosed Request for Information should be provided to EPA within 30 calendar days of receipt of this letter.

When your client has prepared its response to the Request for Information, please have it sign and notarize the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA with its response. Please note that false, fictitious, or fraudulent statements or representations may subject your client to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by your client to be confidential. Please be aware that your client may not withhold the information upon that basis. If your client wishes EPA to treat the information confidentially, it must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting its claim for confidentiality.

If your client knows of other parties who may have information that may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your client's response it obtains additional or different information concerning the matters addressed by our information request, it is necessary that you or your client promptly notify EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

See the enclosed Instructions for information on how to respond to the enclosed questions. Your client's response to this Information Request should be mailed to:

Nicholas Magriples
On-Scene Coordinator
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, NJ 08837-3679

A copy of your client's reply should be sent to:

Damaris Urdaz Cristiano, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

If your client has any questions regarding this Request for Information, or would like to discuss this matter with EPA, it should contact Mr. Magriples at (732) 906-6930. Inquiries from attorneys should be addressed to Ms. Cristiano at (212) 637-3140.

We appreciate and look forward to your client's prompt response to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Raymond Basso".

Raymond Basso
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

bcc: Damaris Urdaz Cristiano, EPA, Region 2, ORC
Nicholas Magriples, EPA, Region 2, ERRD, Edison

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
5. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
7. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
8. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
9. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
10. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claims will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The terms "you," "yours," and "Respondent" shall mean Matteo Iron and Metal, Inc., its officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean the Matteo Iron and Metal Inc. Site located in West Deptford Township, Gloucester County, New Jersey.

4. The term "Site Property" shall mean the property and buildings located on or around 1692 Crown Point Road, Thorofare, NJ 08086.
5. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.
6. As used herein, the term "hazardous waste" shall have the meaning set forth in Section 1004(5) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6903(5).
7. As used herein, the term "industrial waste" shall mean any solid, liquid, or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. Section 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
 - c. it has a pH of less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation;
 - l. or it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with your skin.
8. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
9. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number,

present or last known home address and home telephone number, and present or last known job title, occupation, position or business.

10. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
11. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
12. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
13. The terms "material" or "materials" mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
14. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants or contaminants with any other substances."
16. The term "recyclable material" has the same definition as contained in 42 U.S.C. § 9627, and means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include--
 - (1) shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or
 - (2) any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.
17. The term "scrap metal" shall have the same definition contained in 42 U.S.C. § 9627 and shall mean bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the EPA Administrator excludes from this definition by regulation.

18. The term "your company" shall mean Matteo Iron and Metal, Inc., and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.
19. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1. State your correct legal name and your mailing address.
2. Did any entity with which you are presently or were formerly associated as an officer, director, or owner ever have a property interest in the Site Property or own or operate a business at the Site Property? If yes, answer the following for each such entity:
 - a. State the legal name of your Company.
 - b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company.
 - c. Identify the state of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey.
 - d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.
 - e. How many employees does your Company have?
 - f. Describe the nature of the business in which the company is or was engaged. If the nature of the company's business has changed over the years, please so indicate and describe the various business activities in which the company has been involved.
3. Provide details regarding ownership of the Site Property including:
 - a. List all of the individuals and other entities who have leased the Site Property at any time you owned the Site Property. For each such lessee, state (if known) the precise time period when he/she/it owned the Site Property;
 - b. State the total amount of consideration paid or provided for the Site Property. In addition, provide a copy of the contract of sale, the deed, and all correspondence associated with that transaction; and
 - c. State whether there were any liens or mortgages on the Site Property at the time you owned it and if so, for each such lien or mortgage state: (i) the amount of such lien or mortgage; (ii) the identity of the entity who held such lien or mortgage; and (iii) the date such lien or mortgage was paid or discharged.

4. Please provide copies of all leases or agreements regarding the Site Property. Please provide the following additional information regarding all such leases and agreements:
 - a. Identify each person with whom you or your company had personal contact in carrying out the terms of any leases or agreements; and
 - b. If you no longer have a copy of one or more of the leases or agreements, please state the time period covered by the lease or agreement and identify the parties to the lease.
5. Provide the names and addresses of the companies/businesses that operated at the Site Property including:
 - a. The dates of operation;
 - b. The nature of their operations at the Site Property; and
 - c. Any evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site during the period that they were operating at the Site Property.
6. Identify any persons who during the period of ownership of the Site Property by you, and/or your company exercised actual control or who held significant authority to control activities or operations at the Site Property. In addition, identify:
 - a. Any partners or joint venturers with respect to the Site Property;
 - b. Any person subleasing land, equipment or space at the Site Property;
 - c. Financiers and lenders with a property interest or financial interest in the Site Property; and
 - d. For all entities identified in response to 6.a-c., provide information about their control or authority at the Site Property and provide documentation related thereto.
7. Does your Company have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq.? If the Company has an EPA identification number, please specify it.
8. Discuss in detail how scrap metal, batteries and wiring that were accepted and processed at the Site Property were each processed by your Company. If the nature in which these materials were processed changed over the years, please so indicate and describe in detail the various processes.
9. How many batteries were received and processed on average on a monthly or yearly basis. Discuss the volume changes through the years.

10. How much wiring was received and processed on average on a monthly or yearly basis. Discuss the volume changes through the years.
11. Which portions of the battery and wiring were recovered for resale and which portions were disposed of? Where and how did the disposal take place? Specifically identify the on-site areas of disposal for all portions of the battery that were not resold, including the acid. If the disposal took place offsite, provide the name and/or address of the offsite location and provide any available documentation.
12. In what form did the metal recovered from the batteries and the wiring leave the Site and who purchased it from you. Provide a list of these entities or other documentation. If the entities are not known, what type of business were these entities involved in? How much melted lead was generated on average on a weekly or monthly basis? Discuss volume changes through the years.
13. Was lead ever smelted at the Site Property? If so, describe in detail this operation. During which years did this operation occur? How much slag, drippings, skimmings and/or dross was generated on average on a weekly or monthly basis? What was done with the slag, drippings, skimmings, and/or dross that was generated from the melting?
14. Where was the incinerator located at the Site Property? During which years was it operated? What type of materials were burned in the incinerator? What was done with the ash generated by the incinerator?. How much ash was generated during the years it was operated on a monthly or yearly basis?
15. Describe in detail the incinerator (type, capacity, normal operational period, typical emission rate). Provide any available documentation.
16. Was there an air emissions permit for the incinerator. If so, provide the permit number and the period when it was in effect.
17. Please describe any and all actions that you took to dispose of, remove, contain, isolate, or otherwise handle or investigate any industrial wastes or hazardous substances that were present at the Site. Please provide copies of any documents referencing any such actions.
18. Please describe any and all actions that you took to dispose of, remove, contain, isolate, or otherwise handle or investigate any lead batteries that were present at the Site. Please provide copies of any documents referencing any such actions.
19. Are you knowledgeable of any specific incidents of disposal of industrial or hazardous wastes that occurred in the past at the Site, other than that conducted by your Company?
20. Did your company ever landfill any lead batteries, industrial wastes or hazardous substances that were present at the Site.
21. Information exists that indicates the crushed battery casings generated by your Company were being offered for sale in the past for use in filling low lying areas or to form a base

for driveways. Provide details of this operation, the years it took place, and approximately how much of this material was given away or sold on average on a monthly or yearly basis. Provide any available documentation as to who purchased this material or where it was applied?

22. Describe the efforts of your Company with respect to the management and handling of the metal or scrap metal (including the extent to which you complied with customary industry practices designed to minimize contamination of metal or scrap metal by hazardous substances).
23. Provide the name(s) and any other available information of any customer(s) that; a) brought scrap metal, batteries, wiring, or industrial wastes to the Site Property, and b) would be familiar with the source of the material that they brought to the Site Property. Include any available documentation for these transactions.
24. Do you have any specific knowledge of where the scrap metal, batteries, wiring, or industrial waste originated from that the customer's delivered to the Site Property?. Include any available documentation.
25. Did any of the entities from which the scrap metal, batteries or wiring originated from ever directly ship the material to the Site Property? If yes, provide the name and address of the entity, the approximate date(s) when the shipment(s) occurred, and the approximate quantity of material that was received. Provide any available documentation for these transactions.
26. Did you ever process any scrap metal, batteries or wiring for any entities that retained ownership of the material while you were processing it? If yes, provide the name and address of the entity, the approximate date(s) when the shipment(s) occurred, and the approximate quantity of material that was received. Provide any available documentation for these transactions.
27. Did you ever receive a fee for any scrap metal, batteries or wiring that you processed and then returned to the same entity from where the material originated? If yes, provide the name and address of the entity, the approximate date(s) when the shipment(s) occurred, and the approximate quantity of material that was received. Provide any available documentation for these transactions.
28. Provide all information in your possession that shows your Company's non-compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management or other activities associated with the recycling of metal or scrap metal.

29. What is your affiliation and/or involvement with the following corporations:

- a. A. Matteo Trucking Inc.;
- b. James Matteo and Sons, Inc.;
- c. Matteo Trucking Company;
- d. M.I.R.A. Rentals, Inc.; and
- e. Thorofare Trucking and Trash Company

Pursuant to the authority in Section 104(e)(2)(C) of CERCLA, 42 U.S.C. § 9604(e)(2)(C), EPA may require any person to furnish information relating to the ability of a person to pay for or to perform a cleanup. Therefore, please answer all of the following questions.

- 30. Please provide copies of your Company's financial statements for the past five fiscal years. If no financial statements are available provide corporate tax returns for that period.
- 31. Identify your Company's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
- 32. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. Please also provide:
 - a. the document retention policy.
 - b. a description of the type of information that would have been contained in the documents.
 - c. the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents.
 - d. the names and most current address of any person(s) who may possess documents relevant to this inquiry.
- 33. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this "Request for Information" and specify which question each person assisted in responding.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and the submitted information is true, accurate, and complete, and all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE

SIGNATURE

Sworn to before me this ____ day of _____, 20__

Notary Public